



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,421	07/20/2001	Hamutal Yanay, Buchshrieber	20096.14	2649

26418 7590 12/19/2003

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/910,421

Applicant(s)

YANAY, BUCHSHRIEBER ET AL.

Examin r

Joseph A. Fischetti

Art Unit

3627

-- Th MAILING DATE f this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Objections

Claims 1-18 are objected to because of the following informalities: the "p" in provider cannot be capitalized unless it begins a sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3,12,13,15, 16, 17, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, and 17 is an improper Markush grouping.

Claim 12 what term "regular" is a relative term.

Claim 13, it is unclear what a customer in motion is?

Claims 15 and 16 it is not clear what static is?

Claim 18 "or" section (d) is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 3627

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3,5,6, 7, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. 516.

Johnson et al. '516 disclose a) generating a database containing data relevant to the Provider (database 36);b) updating said database so as to keep said data on the Provider up-to-date (col. 15 lines 40-42 inventory record adjusted synchronously with each purchase); c) when a call is received from a customer, identifying the requirements of the customer (Order header data screen 100);d) identifying the nature of the request of the customer for a Provider (Order header data screen has function keys F6, F9 and F10 which by the nature of the request direct the inquiry to various programs);e) searching said database for a Provider who fits best the requirements of the customer (executing search program 50); and f) when such best fit Provider is found, generating a voice and/or data communication between said customer and said provider (order list 48).

Re claim 2 the requirements of the customer include his geographic location as seen in Appendix I see address line.

Re claims 3, 5 and 6: the data of the provider is availability status (see col. 17, lines 63).

Re claims 7: the updating of the database is initiated by the Providers is answered by (col. 15 lines 40-42 inventory record adjusted synchronously with each purchase) and polling is read as the receiving the order which effects the outcome of the inventory count.

Re claim 17: Provider is house services providers is read as appendix III in oven sales.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of McDonough et al.

Johnson et al. teach the invention as set forth above, but fail to teach using multiple location based inventory sources, however, McDonough et al does. It would be obvious to use the rule based routing system i.e. using location systems of the

communication network from which the call of the customer is placed, in Johnson et al. because the motivation for it would be the reduction of system elements. The use of phone lines to communicate with voice or data is notoriously old.

Re claim 18, as set forth above Johnson et al disclose :a) a database containing data relevant to the Provider; b) communication lines and means for updating said database so as to keep said data on the Provider up-to-date; d) personnel or apparatus for identifying the nature of the request of the customer for a Provider; e) searching software for searching said database for a Provider who fits best the requirements of the customer. However, Johnson et al. do not disclose c) location apparatus for identifying the geographical location of the customer calling the system; and i) dialing and switching means for generating a voice communication between said customer and said provider.

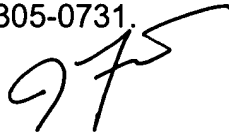
McDonough et al do disclose c) location apparatus for identifying the geographical location of the customer calling the system (caller id in the CTI server 370) and f) dialing and switching means for generating a voice communication between said customer and said provider telephony

Art Unit: 3627

processing components 360, 370, 380. It would be obvious to modify Johnson to include these features because the motivation would be for the reduction of system elements.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read 'J. Fischetti', is written over the end of the text block.